

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

BERKENHOFF GmbH,	:	NO: 1:11-CV-00475
	:	
Plaintiff,	:	
	:	<b>OPINION AND ORDER</b>
v.	:	
	:	
GLOBAL TRADE NETWORK, INC.,	:	
et al.,	:	
	:	
Defendants.	:	

This matter is before the Court on Plaintiff's Motion to Lift Stay, Grant Security, and Decide Application for Confirmation (doc. 44), Defendant Composite Concepts Company, Inc.'s Response in Opposition (doc. 47), and Plaintiff's Reply (doc. 48). The Court held a hearing on this matter on April 17, 2012.

The Court had originally scheduled the hearing so as to determine what amount of security Defendants should proffer pending the outcome of appeal of the German arbitration of this patent dispute (doc. 37). However, in the interim, the German Higher Regional Court issued its opinion, which Plaintiff filed here on March 8, 2012 (doc. 41). In such decision, the German Court rejected Defendants' arguments and confirmed Plaintiff's arbitration award. The parties further advised this Court at the hearing that Defendants have not appealed the decision of the German Court.

The Court has further reviewed the objections raised by

the Defendants under Article V of the New York Convention (docs. 12, 29, 47, 49). The Court views such objections as misplaced, as each objection pertains to the amount of damages at stake. The German Court's decision confirmed the arbitral award and established Defendants' liability. Issues of damages remain to be determined. At this stage, however, this Court finds it appropriate to confirm the German Court decision as there is no question of Defendants' liability. Accordingly, the Court GRANTS Plaintiff's motion to the extent that it LIFTS the stay (doc. 44), and CONFIRMS the final arbitration award affirmed by the German Court. 9 U.S.C. § 207.

SO ORDERED.

Dated: May 1, 2012

s/S. Arthur Spiegel

S. Arthur Spiegel  
United States Senior District Judge